IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1159 OF 2006 IN EXA.NO.347 OF 2004
AWARD DATED 1.10.2003

Cine Costume & Make up Artistes Association.
..Claimants.

Vs.

M/s.Sonal Builders & Contractors.
..Respondents.

And

Rajesh Singh and ors.
..Applicants.

Mr. G.D.Talreja for the claimants.

Mr. S.P. Dalal i/by M/s. Dalal & Co. for the Applicants.

CORAM : R.S. MOHITE, J.
DATED : 25/9/2006.

P.C.

1. This chamber summons is taken out by the applicants who claim to be the members of the Cine Costume & Make up Artistes Association who are the claimants/Decree holders and who hold an award against M/s. Sonal Builders & Contractors, the respondents. By this chamber summons the applicants seek leave to allow them to intervene in the execution application taken out by the claimants and for recalling the warrant of attachment dated 22.9.2004 and 1.2.2005 taken out in the said execution application. It is sought to be contended that the claimants themselves are the owners of the three shops against which the steps in execution

application are being taken. On perusal of the record, I find that the award was in respect of monetary amount being the amount paid by the claimants to the respondents builders on account of purchase of said three shops. The award indicates that the said monies have been directed to be refunded by the builders and the amount awarded includes refund of the registration charges and the stamp duty. It is obvious that this refund is on the footing that the agreements no longer exist. The advocate for the applicants states that they have not claimed any ownership right in respect of all or any of the three shops against which execution proceedings are directed. Even otherwise, from the agreement in respect of the three shops executed by the respondents in favour of the claimants, it is clear that further conveyance was contemplated under Clause 18. It is clear from that the title in respect of the shops had thus not passed in favour of the applicants. Apart from that the present applicants are not parties to the Arbitration Award. Taking into account all the aforesaid facts, I find no substance in the chamber summons and the same is dismissed. The Advocate for the applicants orally stated that Status quo may me directed to be maintained for a period of 4-weeks from today. The said oral request is rejected.

(R. S. MOHITE, J.)

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